IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY NINTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 20377 of 2004

Between:

Pulla Adinarayana, S/o P.Lakshman,
r/o K.K. Agraharam, B.K. Samudram Mandal, Anantapur District.

..... PETITIONER

AND

1 Government of Andhra Pradesh, rep. by its Secretary,
General Administration (L&O . II) Department, Secretariat, Hyderabad.
2 The Collector and District Magistrate, Anantapur District, Anantapur.
3 The Superintendent of Police, Anantapur District, Anantapur.
4 The Superintendent , Central Prison, Cherlapalle, R.R. District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Habeas Corpus or any other appropriate Writ, Order or detention and call for the records relating to and connection with Proceedings No. 5001-2/MC/2004, dated 17-9-2004 and quash or set aside the same as illegal, arbitrary and contrary to the provisions of Act 1/1986 and order release of the detenu Pulla Obulapathi and consequently direct the respondents to pay Rs. 50,000/- as compensation by way of damages for detaining the detenu illegally.

Counsel for the Petitioner:MR.N.SUBBA RAO

Counsel for the Respondents : THE ADVOCATE GENERAL

The Court made the following :

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ORDER : (Per Hon'ble Sri Bilal Nazki, J)

The detenu has been arrested in terms of the provisions of Andhra Pradesh Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug Offenders, Goondas, Immoral Traffic Offenders and Land Grabbers' Act, 1986 (hereinafter referred to as 'the Act'), on the basis of an order passed on 17.09.2004. The detention has been challenged by way of this Writ Petition.

One of the grounds taken by the Writ Petitioner in para 3 of the writ affidavit is that the material on the basis of which, the order of detention was passed and grounds of detention were framed, was not supplied to the detenu. In the counter affidavit it has been stated that all the material that was taken into consideration by the detaining authority, was supplied to the petitioner. The grounds of detention refer to three F.I.Rs. in Crime Nos. 40 of 2004, 64 of 2004 and 91 of 2004 and it is specifically stated by the petitioner that the material regarding these crimes, like F.I.Rs., were not supplied to the detenu, thereby denying him the opportunity of making an effective representation in terms of Article 225 of the Constitution of India.

Although it has been averred in the counter affidavit that the necessary material was supplied to the detenu, but it is not reflected in the records, photocopies of which have been placed on record by the learned Government Pleader appearing for the Advocate General. The receipts shown to us, having been given by the detenu, merely shows that grounds of detention were received by him. There is nothing on record to show that the material on the basis of which detention order was passed was supplied to detenu.

For these reasons, we allow the Writ Petition, quash the order of detention and direct the release of detenu forthwith, if he is not required in any other case. No order as to the costs.

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(BILAL NAZKI, J)

29th November, 2004.

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(C.V.RAMULU, J)

ajr

To

1 The Secretary, General Administration (L&O.II) Department, Govt. of

Andhra Pradesh, Secretariat, Hyderabad.
2 The Collector and District Magistrate, Anantapur District, Anantapur.
3 The Superintendent of Police, Anantapur District, Anantapur.
4 The Superintendent , Central Prison, Cherlapalle, R.R. District.

5 Two C.Cs., to the Advocate General, High Court buildings, Hyderabad (OUT)

6 Two C.D. copies.